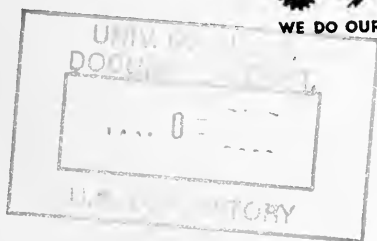




NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION
FOR THE
PLASTIC ARTS INDUSTRY

AS SUBMITTED ON AUGUST 19, 1933



The Code for the Plastic Arts Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry*

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

INSTITUTE OF PLASTIC ARTS,
Chicago, Ill., August 9, 1933.

General HUGH S. JOHNSON,
*National Recovery Administration, Department of Commerce Building, Wash-
ington, D.C.*

DEAR SIR: We submit through you, for the President's approval, the enclosed Code of Fair Competition for the Plastic Arts Industry.

The Plastic Arts Industry includes all producers of cast plaster products, compositions which have a gypsum or cement base, architectural models, ornaments, figure, designs, forms, sculptures, scale models, models for wood, stone and metal, advertising display, and ecclesiastical plaster products. A large part of its products are used in the construction industry for ornamentation of interiors and exteriors.

About seven years ago the industry was organized on an international scale. The organization was known as the International Ornamental Plaster Manufacturers Association of the United States and Canada and its membership comprised about forty of the prominent concerns in the industry. This organization is now succeeded by the Institute of Plastic Arts which conforms to the requirements of the National Industry Recovery bill and places the organization on a purely national basis. Members of the local associations known as the Ornamental Plaster Manufacturers of Chicago and the Architectural Sculpture Society of New York, have joined the Institute of Plastic Arts to represent their industries on a National scale.

On June 30, 1933, a group of Chicago concerns met for the purpose of discussing the National Industrial Recovery Act. A committee was appointed and on July 8, 1933, a notice and questionnaire was sent to all known studios and manufacturers of ornamental plaster products and statuary directing the industry's attention to the desirability of complying with the National Industrial Recovery Act. This notice was mailed to about four hundred concerns located in the United States, the names and addresses being secured from various sources. About sixty replies were received to this questionnaire indicating willingness to organize the industry on a national basis to comply with the requirements of the National Industrial Recovery Act. To date the organization has thirty-four charter members, and membership applications have been mailed to all other concerns in the Industry together with a report on the organization meeting.

On the basis of replies received the committee sent out a notice for an organization meeting at Chicago, Illinois on July 31, 1933. The purpose of this meeting was to organize a trade association and to prepare a Code of Fair Competition for the industry. The meeting was attended by prominent concerns in the industry from all over the country, and in the opinion of those present represented the majority of the productive capacity. Owing to the present economic conditions a large number of concerns found it impossible to attend. This meeting organized the Institute of Plastic Arts and adopted a Code of Fair Competition for the plastic-arts industry.

The concerns attending the organization meeting recommended a forty (40) hour week and the following minimum wages:

Unskilled Labor, \$0.40 per hour; Modelers and Sculptors, \$1.50 per hour; Model Makers, \$1.00 per hour; Casters, \$0.75 per hour; Office Help (stenographers, clerks, etc.), \$15.00 per week.

This Institute represents an industry that is engaged primarily in the production of products of artistic and ornamental nature requiring artists, designers, sculptors, and skilled artisans. Because of this highly skilled labor, the products should be produced in permanent and properly equipped studios and plants. The work requires the creation of the design (unless furnished by architect or customer) the development of design, making of model from design, making of the mold from model, and, finally production of product by pouring suitable materials into molds.

The members of this Institute have been greatly instrumental in bringing the ancient and neo-classic art to an economic acceptance in this country. They have carried on research, maintained extensive libraries, and have spent a

considerable sum in promotion of the art through advertising, cataloging, and display rooms. Research by the members of this industry has not only helped to develop art acceptance but has brought to a high degree of perfection many new and approved basic materials now in general use. These accomplishments have only been possible because of the facilities afforded through permanent studios and plants.

In the stress of the present economic conditions, the industry has been subjected to unfair competition from former employees and certain contractors who, without establishments or regard for prevailing costs and wages, have created a nomadic manufacturing situation in which products usually produced by the members of the Institute in studios and plants have been manufactured on the building site during the process of construction. It is our contention that these itinerant manufacturers are producing such work under hazardous and unsuitable working conditions and that because of the lack of investment and permanent establishment the prices at which they have taken work has resulted in widespread unemployment, reduced purchasing power and resulting in competition which is unfair to the members of this industry.

We estimate that the industry's investment including plants and equipment is at least one-half of our sales volume in normal times.

We are submitting herewith the following: 8 copies of Code of Fair Competition for the Plastic Arts Industry; 2 copies of Application Forms; 2 copies of Bylaws of the Institute of Plastic Arts.

The members of the Institute of Plastic Arts and the Emergency National Committee are anxious to cooperate with the President in every way to further as quickly as possible the aims of the National Industrial Recovery Act which we heartily endorse.

We are of the opinion that our Code of Fair Competition should be considered as being supplemental to the Code for the Construction Industry as submitted by the Construction League of the United States.

Respectfully,

EMERGENCY NATIONAL COMMITTEE OF THE PLASTIC
ARTS INDUSTRY,

R. F. SCHMIDT, *Architectural Decorating Co.,*
1600 S. Jefferson St., Chicago, Ill., *Chairman.*

A. VOLKER, JR., *Voigt Co.,*
12th & Montgomery Ave., Philadelphia, Pa.

VICTOR JACOBSON, *Jacobson & Co., 239 E. 44th St.,*
New York, N.Y.

EDW. WM. KREUGER, *Secretary and Commissioner*
of the Institute of Plastic Arts,
307 N. Michigan Ave., Chicago, Illinois.

CODE OF FAIR COMPETITION FOR THE PLASTIC ARTS INDUSTRY AS PROPOSED BY THE INSTITUTE OF PLASTIC ARTS

UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

PREAMBLE

The plastic arts industry is composed of many producing units scattered throughout the United States. The plants vary in size from large plants, doing a national business, to small plants doing a purely local business. Some plants manufacture to specifications while others also carry extensive stock items sold by means of expensive catalogs.

The products of the industry consist of cast plaster products, compositions which have a gypsum or cement base, architectural models, ornaments, figures, designs, forms, scale models, models for wood, stone, and metal, sculptures, advertising display, and ecclesiastical plaster products.

This industry requires skilled designers, sculptors, and workmen. The work requires the creation of the design (unless it is furnished by architect or customer), the development of design, making of model from design, making of mould from model, and, finally, production of product by pouring suitable materials in a mould.

A part of the industry's product is used in the construction industry for ornamentation of interiors and exteriors.

ARTICLE 1—PURPOSE

(1) This Code is adopted pursuant to Title 1 of the National Industrial Recovery Act.

(2) The purpose of the Code is to effectuate the policy of Title 1 of the National Industrial Recovery Act insofar as it is applicable to the industry.

ARTICLE 2—DEFINITION

The term "Plastic Arts Industry" as used herein is defined to mean all producers of cast plaster products, compositions which have a gypsum or cement base, architectural models, ornaments, figures, designs, forms, sculptures, scale models, models for wood, stone, and metal, advertising display, and ecclesiastical plaster products. The term "employees" as used herein shall include all persons employed in the conduct of such operations. The term "person" shall include natural persons, partnerships, associations, and corporations.

ARTICLE 3—MEMBERSHIP

(1) Membership in the Institute of Plastic Arts, and participation of its Code shall be extended to all persons, partnerships and/or corporations in the United States operating permanent plants

employed in the production of commodities described in Article 2 above. It is the intention of this Institute that it shall be duly representative of the industry and nothing in the Code shall be interpreted as imposing inequitable restrictions on admissions to membership in the Institute.

(2) No initial fees or entrance fees shall be charged. Dues, fees, or other assessments shall be at uniform rates based on payroll for production of commodities, as described in Article 2, as provided in adopted By-Laws of the Institute said By-Laws being "Exhibit D" attached to this Code.

ARTICLE 4—EMERGENCY NATIONAL COMMITTEE

(1) There shall be an Emergency National Committee consisting of seven (7) members including the Chairman, all selected from the Executive Committee of the Institute of Plastic Arts. This Committee shall be the general planning and coordinating agency of the industry. Its members shall be empowered to act for the industry in respect of all matters before the Committee for consideration and within its jurisdiction. The Committee shall be empowered to elect one or more of its members from time to time who together with the Commissioner of the Institute of Plastic Arts shall file the Code of Fair Competition with the proper Governmental agency and represent the Institute on all matters pertaining to the Code having authority to agree to such changes in the Code required by the government as they may deem advisable. The Committee shall serve as an executive agency for the industry and shall be charged with the enforcement of the provisions of this Code and with the duties, through agents or otherwise, of hearing and adjusting complaints, considering proposals for amendments and making recommendations thereon, approving recommendations for exception to the provisions of this Code, and otherwise administering its provisions.

(2) In the event of dispute arising as to the rights and liabilities under this Code of any member of the Institute, or any adherent to the provisions of this Code or subject to its terms, said member shall have the right of appeal to the Emergency National Committee and the decision of the said Committee on said appeal shall be final, subject only to appeal to the President of the United States or his duly appointed representative.

(3) The Commissioner of the Institute shall act as Secretary for the Emergency National Committee and shall be charged with the responsibility of auditing, or having audited, the books of accounting, cost records, wage records, price quotations, contracts, etc., of all adherents to the Code, as may be required by the Committee, the President, or his duly appointed representative.

ARTICLE 5—NONMEMBER ADHERENTS TO CODE

(1) Each person or organization engaged in this industry, adhering to this Code or subject to its terms, but not registered members of the Institute, shall pay to the Commissioner of the Institute of Plastic Arts a sum representing his proportionate share of the expense incident to initiating, securing the approval of, and administering this Code of Fair Competition and approved rules issued thereunder.

(2) The said expense shall be prorated among such persons or organizations within the said industry but not registered members of the Institute in proportion to pay rolls in the same manner and amounts as determined in the By-Laws of the Institute; said By-Laws being "Exhibit D" attached to this Code.

ARTICLE 6—EMPLOYEE RELATIONS

Employers in the Plastic Arts Industry shall comply with the requirements of the National Industrial Recovery Act as follows:

"(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President."

ARTICLE 7—MAXIMUM WORKING HOURS

(1) As a direct and immediate aid to re-employment, this Institute is in full accord and agreement to establish maximum hours of labor at forty hours per week for all employees in the industry, with the exception of executives, supervisory staff, salesmen, engineers, firemen, and watchmen.

(2) On and after the effective date, employers in the Plastic Arts Industry shall not employ any minor under the age of sixteen years.

ARTICLE 8—MINIMUM WAGES AND WORKING CONDITIONS

All adherents to this Code shall pay wages—

(a) Not less than such minimum rates as have been or may be established nationally or for a region or locality by mutual agreements reached through bona fide collective bargaining between truly representative national, regional, or local groups of employers and employees, and, in any event—

(b) Not less than the minimum rates of wages submitted in Exhibit A attached herewith, and also agree to comply with the working conditions stated in said Exhibit A.

ARTICLE 9—MINIMUM PRICES

(1) For the purpose of accomplishing the aim set forth in Article 1 of this Code the adherents to the Code obligate themselves to refrain from destructive wage and price cutting in all forms or selling at less than a reasonable profit above his own total cost, and/or all other unfair competitive practices which are contrary to the policy of the National Industrial Recovery Act. Total cost is defined to mean material, labor, normal overhead, selling, and administrative expense.

(2) The Emergency National Committee shall proceed at once to provide for uniform methods of estimating and standard methods of accounting, including cost accounting, which shall be used by all adherents to the Code. It shall be an unfair method of competition for any such manufacturer or producer to sell at less than a reasonable profit above his own total cost as established by the adopted uniform cost-accounting system.

ARTICLE 10—CREDITS AND COLLECTIONS

The Emergency National Committee may establish uniform procedure with respect to credits and collections and may provide such rules and regulations as may be necessary with respect to (a) collection and interchange of credit information; (b) cooperative administration of insolvent debtors; (c) terms of sales; and (d) other aspects of credits and collections.

ARTICLE 11—REPORTS AND ACCOUNTS

(1) For the purpose of preventing destructive wage and price cutting, as well as all other forms of unfair competition, the Commissioner of the Institute of Plastic Arts or his duly appointed representative or representatives shall have access to all business records and books of account of all adherents to the Code, including payroll records and prices quoted to customers or prospective customers; also to orders accepted for manufacture, as well as to all plans, specifications, and lists of merchandise having relation to such quotations, orders, and contracts.

(2) For the purpose of coordination and audit, members and adherents to the Code shall furnish the Commissioner, or his duly authorized representative or representatives such other records and reports as he or the President of the United States and his administrator may from time to time require.

ARTICLE 12—TRADE PRACTICES

Except as may be otherwise provided by the Code, the provisions of the Standards of Trade Practices, as stated in the attached "Exhibit B" are hereby adopted and made a part of this Code.

ARTICLE 13—ENFORCEMENT OF CODE

Enforcement of this Code shall be conducted in accordance with the Procedure of Investigation and Determination of Complaints as prescribed in "Exhibit C" hereto attached.

ARTICLE 14—GENERAL

(1) All provisions, rules, and regulations of this Code are subject to cancellation or modification by the President as prescribed by Section 10 (b) of the National Industrial Recovery Act.

(2) None of the provisions of this Code shall be construed in such a way as to promote a monopoly or monopolistic practices, or to eliminate or oppress small enterprises or discriminate against them.

(3) This Code or any of its provisions shall be cancelled or modified and any approved rule issued thereunder shall be ineffective to the

extent necessary to conform to any action by the President under Section 10 (b) of the National Industrial Recovery Act in cancellation or modification of any order, approval, license, rule, or regulation pertaining thereto.

(4) Amendment to this Code may be made by the Emergency National Committee subject to the approval of the membership of the Institute of Plastic Arts, and when approved by the President shall be effective.

(5) All communications and conferences of the industry with the President or with his agents, concerning the approval or Amendment to this Code, or any of its provisions or any matters relating thereto, shall be through the Emergency National Committee. Such Committee may appoint one or more of its members together with the Commissioner of the Institute to represent it in this respect. The official address of said Emergency National Committee shall be in care of the Commissioner of the Institute of Plastic Arts.

(6) Violation by any adherent to any provision of this Code, or of any approved rule issued thereunder, is an unfair method of competition.

ARTICLE 15—EFFECTIVE DATE

This Code shall be in effect beginning the second Monday after its approval by the President of the United States.

EXHIBIT A

MINIMUM LABOR RATES AND WORKING CONDITIONS FOR THE PLASTIC ARTS INDUSTRY AS PROPOSED BY THE INSTITUTE OF PLASTIC ARTS—UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

(To be attached to and become a part of the Code of Fair Competition for the producers of cast plaster products, compositions which have a gypsum or cement base, architectural models, sculptures, and ecclesiastical plaster products)

Minimum labor rates.—The minimum wages to be paid by the Plastic Arts Industry are as follows: Unskilled Labor, \$0.40 per hour; Modelers and Sculptors, \$1.50 per hour; Model Makers, \$1.00 per hour; Casters, \$0.75 per hour; Office Help (Stenographers, clerks, etc.), \$15.00 per forty-hour week.

Working conditions.—In order to protect the investment in plant and equipment and to maintain proper quality of production in this industry, the performance of which work requires the services of artists and skilled workmen with adequate equipment and other facilities, all and any product must be produced in permanent plants providing adequate light, heat, sanitation, and other satisfactory working conditions.

EXHIBIT B

**CODE OF TRADE PRACTICES FOR THE PLASTIC ARTS INDUSTRY AS
PROPOSED BY THE INSTITUTE OF PLASTIC ARTS—UNDER THE
NATIONAL INDUSTRIAL RECOVERY ACT**

(To be attached to and become a part of the Code of Fair Competition for the producers of cast plaster products, compositions which have a gypsum or cement base, architectural models, sculptures, and ecclesiastical plaster products)

The following provisions are hereby adopted and made a part of this Code:

Rule 1. Terms of sale or of contract shall be definite and strictly adhered to. The payment or allowance of secret rebates, refunds, credit, or unearned discount, whether in the form of money or otherwise, or extending to certain purchasers such services or privileges not extended to all purchasers, under like terms and conditions, is a violation of this Code.

Rule 2. Attempt to purchase business or obtain information concerning a competitor's business by gift or bribes is a violation of this Code.

Rule 3. The bidding on designs, models, plans, or specifications submitted to a prospective customer by a competitor, without the knowledge or consent of the concern or individual originating said design, model, plan, or specification is a violation of this Code.

Rule 4. The making of plans, drawings, and/or specifications for distribution by customers to competing manufacturers, for the purpose of obtaining competitive bids, without a bonafide agreement with the customer to pay the originator of said plans, drawings, and/or specifications, an amount not less than the actual cost of such service, is a violation of this Code.

Rule 5. Recalling a bid once submitted on any job, for the purpose of entering a lower price, is a violation of this Code.

Rule 6. Inducing or attempting to induce by any means or device whatsoever a breach of a fairly obtained contract between a competitor and a customer during the term of such contract is a violation of this Code.

Rule 7. The intentional, unauthorized use, either in written or oral form, of trade mark, trade name, slogan, or advertising matter already adopted or in use by a competitor, is a violation of this Code.

Rule 8. The making of, causing or permitting to be made, any false or deceptive statement, either written or oral, concerning installations previously made, or the claiming by any producer that products actually supplied and installed by others were supplied and installed by him, or the making of any other misleading or deceptive statement, is a violation of this Code.

Rule 9. Any person, partnership or corporation employing modellers and having more than one modeling apprentice at any one time is a violation of this Code.

Rule 10. When more than one member of a partnership or corporation works more than eight hours per day with the tools of the trade it shall be considered a violation of this Code.

Rule 11. When an employer works more than eight hours per day with the tools of his trade it is a violation of this Code.

This Code is subject to modification or enlargement as experience with its operation develops the necessity therefor.

EXHIBIT C

PROCEDURE OF INVESTIGATION AND DETERMINATION OF COMPLAINTS FOR THE PLASTIC ARTS INDUSTRY AS PROPOSED BY THE INSTITUTE OF PLASTIC ARTS—UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

(To be attached to and become a part of the Code of Fair Competition for the producers of cast plaster products, compositions which have a gypsum or cement base, architectural models, sculptures, and ecclesiastical plaster products.)

(1) The Emergency National Committee shall adjudicate all complaints, and shall as necessity demands appoint an investigating committee of three members who shall ascertain all facts in connection therewith. No member is to serve on the investigating committee or the Emergency National Committee who is involved in the complaint. One member of the investigating committee shall be designated as Chairman.

(2) The original complaint shall be made to the Commissioner of the Institute by any unit of the industry in any manner, setting forth all available facts. All complaints must be based upon alleged violation of By-Laws, or of any Code of Fair Competition approved by the President of the United States for the industry. If originally made in an informal manner, confirmation signed by an authorized individual of the complainant or complainants must be forwarded to the Commissioner immediately.

(3) If the Commissioner of the Institute shall determine that such complaint is insufficient on its face to constitute a violation as hereinabove defined, he shall so notify the complainant or complainants, stating the grounds of insufficiency, and give the complainant or complainants such information concerning his further action as may be proper. Such complainant or complainants may appeal from this decision of the Commissioner to the Chairman of the Emergency National Committee, who shall either approve such action or order the Commissioner to proceed in accordance with the following paragraph.

(4) If the Commissioner of the Institute, or on appeal, the Chairman of the Emergency National Committee, shall decide that such complaint is sufficient on its face to constitute a violation as hereinabove defined, the Commissioner shall send a copy of it to the respondent. The respondent shall complete its answer and forward it, duly signed by an authorized individual, to the Commissioner within ten days after its receipt, and may also set up such additional facts by way of affirmative defense as it desires. The Commissioner may extend the period of time in which respondent is to answer. The Commissioner shall be permitted to examine in his discretion such pertinent records of both parties as he deems advisable. All complaints are to be shown on monthly docket with names and disposition.

(5) If no answer be filed by respondent within ten days or within any extended period granted by the Commissioner, the facts stated in the complaint shall be taken to be true and the Commissioner may make findings accordingly and serve the same upon both parties.

(6) If an answer be interposed by the respondent, the Commissioner shall make a *prima facie* finding in the case and submit it to both the complainant or complainants and respondent. If the complaint be then withdrawn, proceedings shall stop at this point and all documents be filed in the office of the Commissioner.

(7) If complaint be not withdrawn, the Commissioner shall refer all of the documents and other pertinent data in his possession to the Emergency National Committee for adjudication.

(8) The Emergency National Committee shall notify all parties of the time and place of its meeting, giving them reasonable advance notice, examine all data submitted, hear oral testimony submitted by either party and in the taking of such testimony said committee shall not be bound by any legal rules of evidence. The Committee will then prepare its findings and submit the same to the Commissioner.

(9) The Commissioner shall thereupon transmit to both complainant or complainants and respondent a copy of the findings of the Emergency National Committee.

(10) If all parties affirmatively accept the findings, or if no appeal be taken within five working days thereafter and the member against whom such findings have been rendered, complies with its provisions and ceases the violation, the proceeding shall end at that point and all documents be filed in the office of the Commissioner.

(11) If any party refuses to accept such findings, the matter shall be referred by the Institute to the appropriate governmental authorities having jurisdiction under the law to deal with the matter.

(12) Any complaint referring to wages or hours shall be investigated by the Emergency National Committee at once or within five working days.

(13) All expenses in connection with the hearing of complaints shall be paid from the operating fund by the Commissioner, and the amount thus paid shall be reimbursed to the Institute as directed by the findings of the Emergency National Committee, which shall have power to assess the same against either party or neither. The assessment shall be twenty percent of the amount involved in a complaint, if such an amount can be ascertained; provided that in no event shall the assessment be less than \$50.00 or more than \$500.00 for any one offense. Each \$500.00 of amount involved shall be deemed a separate offense.

(14) Assessments as thus determined by the Emergency National Committee shall be billed to and become payable by the persons, firms, or corporations thus assessed and shall be applied to the operating fund of the Institute. If said member or members shall not within ten days after notification by the Commissioner pay to the Treasurer the amount thus assessed, such member or members shall be deemed in default.

EXHIBIT D

BY-LAWS OF THE INSTITUTE OF PLASTIC ARTS

ARTICLE 1—ASSOCIATION NAME

This association shall be known as the INSTITUTE OF PLASTIC ARTS.

ARTICLE 2—LOCATION

The principal office of the Institute shall be at 307 North Michigan Avenue (Suite 1507), Chicago, Illinois.

ARTICLE 3—OBJECTS OF THE INSTITUTE

The objects of this organization are to promote, in all lawful and proper ways, the general welfare of the Institute of Plastic Arts; to properly and lawfully prevent unfair trade practices and methods of competition therein; to create and sustain goodwill, trust, and confidence, and to set up and foster a high standard of conduct between the members of the industry, its employees, its customers, and the public generally.

ARTICLE 4—MEMBERSHIP

(1) It is the intention of this Institute that it be truly representative of the industry, and membership in the Institute shall be extended to all persons, partnerships, and corporations in the United States, or any association or producer of cast plaster products, compositions which have a gypsum or cement base, architectural models, and sculptures.

(2) Each member shall within thirty days after the adoption of these By-Laws, or within thirty days after his election to membership, certify to the Commissioner under oath the total pay roll for the production of products and work on contracts covering cast plaster products, compositions which have a gypsum or cement base, architectural models, and sculptures for the calendar year next preceding the above date, and shall thereafter certify such annual pay roll thirty days after the close of each calendar year.

(3) The Commissioner shall at all times have complete access to the records of a member for the purpose of verifying the data thus certified to him and each member shall at all times upon reasonable notice by the Commissioner submit his records for examination.

(4) Membership and voting power in the Institute shall be determined as follows:

A "Class A" member is one the amount of whose pay roll as defined in Section 2 for the next preceding calendar year is less than one fifth of the highest pay roll reported by any member for such year. Each "Class A" member shall be entitled to one vote.

A "Class B" member is one the amount of whose payroll thus reported is at least one fifth but less than two fifths of such highest payroll. Each "Class B" member shall be entitled to two votes.

A "Class C" member is one the amount of whose payroll thus reported is at last two fifths but less than three fifths of such highest payroll. Each "Class C" member shall be entitled to three votes.

A "Class D" member is one the amount of whose payroll thus reported is at least three fifths but less than four fifths of such highest payroll. Each "Class D" member shall be entitled to four votes.

A "Class E" member is one the amount of whose payroll thus reported is four fifths of such highest payroll or more. Each "Class E" member shall be entitled to five votes.

(5) All persons, partnerships or corporations who become members at the first (organization) meeting of the Institute shall be considered "Charter" members.

ARTICLE 5—EXECUTIVE COMMITTEE

(1) An Executive Committee comprising seven members shall be elected at the annual meeting of the Institute from among the members' duly accredited representatives. The term of office shall be as follows: Three members shall be elected for a term of three years; two members for a term of two years; and two members for a term of one year. These members of the Executive Committee shall hold office until their successors are duly elected and qualified.

(2) Vacancies in the Executive Committee on account of death or resignation may be filled by the remaining members of the Committee and the members thus elected shall serve for the unexpired term of the member so deceased or resigned.

(3) The Executive Committee shall be charged with the management and administration of the Institute of Plastic Arts, direct its policy and action, control its finances, authorize and ratify its expenditures, audit its accounts, pass upon the budget as prepared by the Commissioner and submit it to the members, employ executive help as required including specifically a Commissioner as hereinafter specified, prescribe such of their duties as are not otherwise specified by these By-Laws, fix their compensation, pass upon applications for membership and make recommendation concerning same to the members, and perform other duties usually incident to the duties of an executive committee if the same are not specified to the contrary nor specifically delegated.

ARTICLE 6—COMMISSIONER

(1) A Commissioner shall be engaged by the Executive Committee as the executive officer of the Institute of Plastic Arts. His term of office and compensation shall be fixed by contract approved by the Executive Committee. He shall not during the term of his contract become an employee of any member of the Institute. He shall actively supervise the work of the Institute of Plastic Arts, conduct all official correspondence, send out notices of meetings to members and/or committees at the request of proper authority, and in all respects carry out the general purposes of the Institute as set forth in these By-Laws and execute other policies, general or specific, which may be agreed upon by the members or the Executive Committee. He shall have charge of the office of the Institute of Plastic Arts and of the work therein required to be done with power to engage and discharge employees, and fix the compensation of employees subject to the approval of the Executive Committee.

(2) The Commissioner shall receive and have charge of the funds of the Institute of Plastic Arts. He shall submit to the Executive Committee and to the members at the annual meeting, or at any special meeting on request of the members or the Executive Committee, a written report on his receipts and disbursements. He shall keep accurate books of account and may be required to give such bond as may be provided from time to time by the Executive Committee, the expense of such bond to be paid for from funds of the Institute of Plastic Arts. He shall prepare a budget for submission to the Executive Committee at its annual meeting.

(3) The Commissioner shall act as Secretary of the Institute of Plastic Arts and perform such duties incident to such office. He shall keep accurate records and files of the Institute affairs and of all committees and have possession thereof. He shall be an ex-officio member of all committees standing or special.

ARTICLE 7—MEETINGS

(1) The annual meeting of the Institute of Plastic Arts for the election of members of the Executive Committee and other business shall be held on the third Wednesday in May of each year at such place and hour as may be fixed by the Executive Committee. Notice of such meeting shall be sent by mail or telegraph to all members at least ten days prior to the date of the meeting.

(2) Special meetings of the Institute of Plastic Arts may be held at any time or place on call of the Executive Committee who must call such a special meeting upon the written request of six members, which request shall recite the purpose of such meeting. Notice of the time, place, and purpose of any special meeting shall be sent by mail or telegraph to all members at least five days prior to the date of such meeting.

(3) The organization or regular meeting of the Executive Committee shall be held immediately after the annual meeting of the Institute of Plastic Arts.

(4) The special meetings of the Executive Committee may be held on call of its Chairman and must be called by him upon the written request of three members of the Executive Committee which request shall state the purpose for which such special meeting is requested.

(5) All notices of special meetings of the Executive Committee shall be sent to members thereof at least five days prior thereto by mail or telegraph, and the notice of special meetings shall state the purpose thereof.

ARTICLE 8—QUORUM

(1) Ten percent or more of the qualified votes of the entire membership is required to constitute a quorum for the transaction of any business at any annual meeting or any properly notified special meeting.

(2) Twenty percent or more of the qualified votes of the entire membership is required to constitute a quorum for the transaction of any business conducted by mail ballot as provided in Article 13.

(3) A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business at any annual or special meeting but a less number may adjourn a meeting from time to time until a quorum be obtained.

ARTICLE 9—COMMITTEES

(1) The Executive Committee shall from time to time, subject to confirmation by the membership, create standing committees, define their duties and method of selecting the membership and chairman thereof. They shall designate one or more persons who, together with the Commissioner, shall constitute the official point of contact with Governmental agencies, and be so certified to such agencies.

(2) Special committees may be created by the Executive Committee from time to time to undertake any work of a temporary character within the scope of the activities of the Institute of Plastic Arts.

ARTICLE 10—TENURE OF MEMBERSHIP

(1) Each member shall be entitled to participate in the activities of the Institute of Plastic Arts and share in its benefits so long as it shall not be in default with respect to any obligations required by it to be performed under the terms of these By-Laws.

(2) A member may be suspended or expelled by a majority of the vote of the Executive Committee for nonpayment of dues and/or assessments, for non-compliance with these By-Laws and/or for other good and sufficient cause. A suspended member may have the right to appeal the action of the Executive Committee and shall notify the Commissioner thereof, who shall present the action to the membership and secure a mail vote either to sustain or rescind the action of the Executive Committee. The polls shall be closed at the Commissioner's office thirty days after date of notice.

(3) A member desiring to withdraw shall notify the Commissioner in writing at least thirty days in advance. The Commissioner shall notify the other members of the proposed withdrawal. If such member be not in default in any respect whatsoever in accordance with the terms of Sections 1 and 2 of this article, he may be permitted to withdraw.

(4) Withdrawals may be accepted only by the Executive Committee.

ARTICLE 11—ADMISSION

(1) Any qualified person, firm, partnership, or corporation may request admission into the Institute of Plastic Arts, which request shall be referred to the Executive Committee for investigation and recommendation.

(2) The Executive Committee shall pass upon such report at its next organization or regular meeting and may pass upon the same at a special meeting not specifically called for that purpose. The Committee may make such investigation as it deems desirable.

(3) The Executive Committee's action in regard to admission of a prospective member shall be final and the Commissioner shall within ten days notify the prospective member of his election or rejection to membership in the Institute.

ARTICLE 12—DUES

(1) Each member shall within ten days after adoption of these By-Laws or after date of his admission to the Institute of Plastic Arts, remit to the Commissioner, as such member's share of the annual dues for the operating fund, an amount equal to one half of one percent of the amount of his payroll for the next preceding calendar year, as provided in Article 4, Section 2; provided however, that the minimum dues shall not be less than \$25 per year.

(2) Annual dues payable by members shall consist of assessments as levied from time to time by the Commissioner as outlined in Section 1 of this article, and of any special assessment levied in accordance with any provision of these By-Laws and approved by the Executive Committee, and shall be paid within ten days after notification by the Commissioner. Failure to thus pay within thirty days shall be deemed a default.

(3) The amount assessed as special assessments on each member shall in all cases bear the proportion to the total assessment, as the amount of the payroll reported by such member for the calendar year next preceding the date of such assessment, bears to the total amount of such payroll reported by all members for the same calendar year.

(4) The Commissioner shall from time to time, and not less frequently than quarterly, certify to the Executive Committee the total net expenses incurred in the operation of the Institute of Plastic Arts.

ARTICLE 13—VOTING BY MAIL

Upon the request of four or more members of the Executive Committee, the Commissioner may be authorized to take a vote by mail of the entire membership on any important matter which should not be delayed until the next regular or special membership meeting. The request for such action shall be taken up with the Commissioner by any member who will immediately ask the Executive Committee for its approval and upon receiving such approval from four or more members of the Committee, the Commissioner will then send complete information in regard to the subject to be voted on to all members, giving at least ten days time for consideration of the matter before the date set for the actual closing of the polls at the Commissioner's office.

ARTICLE 14—ORDER OF BUSINESS

At all meetings of the Institute of Plastic Arts and of the Executive Committee, the following shall be the order of business:

- (1) Calling the roll.
- (2) Reading the Minutes.
- (3) Purpose of meeting (if special meeting).
- (4) Reports of Officers and Committees.
- (5) Unfinished business.
- (6) New business.

ARTICLE 15—AMENDMENTS

(1) The members at any annual meeting or at any special meeting (provided notice thereof in writing, specifying the purposes of such meeting shall have been given) may by two thirds vote of the members present, alter, amend, or repeal these By-Laws, providing, however, the Commissioner shall have mailed a copy of such proposed amendment to each member at least ten days before such meeting.

(2) The articles may also be amended by a two thirds vote of the entire membership of this Institute and the vote taken by mail, providing that copy of the proposed amendment shall be mailed to each member at least thirty days prior to the closing of the polls.

(3) The result of such mail vote shall be reported to all members within twenty-four hours after the closing of the polls.

ARTICLE 16—CODE OF FAIR COMPETITION

A Code of Fair Competition for this industry as required by Title 1 of the National Industrial Recovery Act shall be adopted by the membership, recorded, filed with and become a part of these By-Laws. The purpose of the Code shall be to bring, insofar as may be practicable, the rates of wages paid within the industry to such levels as are necessary for the creation and maintenance of the highest practicable standard of living; to restore the income of enterprises within

the industry to levels which will make possible the payment of such wages and avoid further depletion and destruction of capital assets; from time to time to revise the rates of wages in such manner as will currently reflect the equitable adjustments to variations in the cost of living.

CHARTER MEMBERS OF THE INSTITUTE OF PLASTIC ARTS

Milwaukee Ornamental Plastering Co., John B. Casper, 1608 North 6th Street, Milwaukee, Wisconsin; Fournier Studio, George J. Peterson, 854½ North State Street, Chicago, Illinois; H. M. Stillman & Co., H. M. Stillman, 919 E. Garfield Avenue, Milwaukee, Wisconsin; The Fischer & Jirouch Co., George J. Fischer, 4821 Superior Avenue, Cleveland, Ohio; Louis Ballauf & Co., Louis Ballauf, 632 E. Grand Avenue, Des Moines, Iowa; Jacobson & Co., Victor Jacobson, 239 E. 44th Street, New York City, N.Y.; Voigt Co., A. Volker, Jr., 12 Montgomery Street, Philadelphia, Pennsylvania; American Studio, P. K. Kufrin, 2215 Ogden Avenue, Chicago, Illinois; Victor Berlendis, Inc., Victor Berlendis, 1425 Kentucky Avenue, Saint Louis, Missouri; Plastic Relief Manufacturing Co., Wm. Hess, 1959 Fulton St., Chicago, Illinois; Southern Plastic Relief Co., John H. Bianchi, Dallas, Texas; Grisanti Statuary Co., Z. Grisanti, 304 South Campbell, Louisville, Kentucky; Washington Ornamental Co., Inc., Nicholas Carosi, Rear 1313 13th Street, N.W., Washington, D.C.; Detroit Decorative Supply Co., Frank A. Maslen, 4240 14th Street, Detroit, Michigan; McNulty Brothers Co., Eugene Romeo, 1028 West Van Buren Street, Chicago, Illinois; Decorators Supply Co., R. H. Spindler, 2547 Archer Avenue, Chicago, Illinois; Architectural Decorating Co., R. F. Schmidt, 1600 South Jefferson Street, Chicago, Illinois.

I, Edw. Wm. Krueger, Commissioner of the Institute of Plastic Arts, do hereby certify that the above is a true and correct copy of the By-Laws of the Institute of Plastic Arts adopted at the organization meeting held July 31 and August 1, 1933 at 1028 West Van Buren Street, Chicago, Illinois, and in testimony thereof I have hereunto affixed my official signature in the City of Chicago on this 4th day of August, 1933.

EDW. WM. KRUEGER,
Commissioner.

INSTITUTE OF PLASTIC ARTS—MINUTES OF THE ORGANIZATION MEETING OF THE EXECUTIVE COMMITTEE HELD AT 1028 W. VAN BUREN STREET, CHICAGO, ILLINOIS, TUESDAY, AUGUST 1, 1933

The meeting was called immediately following the adjournment of the organization meeting of the Institute of Plastic Arts. Mr. Edw. Wm. Krueger presided as temporary Chairman.

Present were: George J. Fischer, Eugene Romeo, Victor Jacobson, R. W. Spindler, R. F. Schmidt, Alfred Volker, Jr., John H. Bianchi, Edw. Wm. Krueger.

The purpose of the meeting was to elect a Chairman and Secretary, pass on the applications for "Charter" members received at the organization meeting of the Institute of Plastic Arts, and to appoint a committee to attend the convention of the Modelers and Sculptors in Washington, D.C., on August 7, 1933; and also to confirm election of Commissioner.

Upon motion duly made and carried Mr. R. F. Schmidt was nominated for Chairman of the Executive Committee for a period of one year and until his successors is duly elected and qualified.

There being no further nominations, on motion duly made and carried, Mr. R. F. Schmidt was elected Chairman of the Executive Committee. Mr. R. F. Schmidt then took the chair.

Upon motion duly made and carried Mr. Edw. Wm. Krueger was elected Recording Secretary for a period of one year and until his successors is duly elected and qualified.

Upon motion duly made and unanimously carried the following concerns were declared "Charter" members of the Institute of Plastic Arts:

Milwaukee Ornamental Plastering Co., John B. Casper; Fournier Studio, George J. Peterson; H. M. Stillman & Co., H. M. Stillman; The Fischer & Jirouch Co., George J. Fischer; Louis Ballauf & Co., Louis Ballauf; Jacobson & Co., Victor Jacobson; Voigt Company, A. Volker, Jr.; American Studio, P. K. Kufrin; Victor Berlendis, Inc., Victor Berlendis; Plastic Relief Manufacturing Co., Wm. Hess; Southern Plastic Relief Co., John H. Bianchi; Grisanti Statuary Co., Z. Grisanti; Washington Ornamental Co., Inc., Nicholas Carosi; Decorators

Supply Co., R. H. Spindler; Detroit Decorative Supply Co., Frank A. Maslen; McNulty Brothers Co., Eugene Romeo; Architectural Decorating Co., R. F. Schmidt.

Upon motion duly made and carried, Messrs. A. Volker, Jr., R. F. Schmidt, Victor Jacobson, and Edw. Wm. Krueger were elected as a committee to represent the Institute of Plastic Arts at the convention of Modelers and Sculptors in Washington, D.C., on August 7, 1933.

Upon motion duly made and carried the election of Mr. Edw. Wm. Krueger as Commissioner of the Institute of Plastic Arts by the members of the Institute at their organization meeting is hereby confirmed.

Upon motion duly made and carried the meeting was adjourned.

R. F. SCHMIDT, *Chairman.*

Attest:

EDW. WM. KRUEGER,
Secretary.

INSTITUTE OF PLASTIC ARTS—MINUTES OF THE ORGANIZATION MEETING OF THE EMERGENCY NATIONAL COMMITTEE HELD AT 1028 W. VAN BUREN STREET, CHICAGO, ILLINOIS, TUESDAY, AUGUST 1, 1933

The meeting was called immediately following the adjournment of the Executive Committee meeting of the Institute Plastic Arts. Mr. Edw. Wm. Krueger acted as temporary Chairman.

Present were: George J. Fischer, Eugene Romeo, Victor Jacobson, R. W. Spindler, R. F. Schmidt, Alfred Volker, Jr., John H. Bianchi, Edw. Wm. Krueger.

The purpose of the meeting was to elect a Chairman and Secretary and to appoint a committee to file the Code of Fair Competition adopted for the Plastic Arts Industry by the Institute of Plastic Arts with the proper Governmental agencies in Washington, D.C., for the approval of the President of the United States.

Upon motion duly made and carried Mr. R. F. Schmidt was nominated for Chairman of the Emergency National Committee for a period of one year and until his successor is duly elected and qualified.

There being no further nominations on motion duly made and unanimously carried Mr. R. F. Schmidt was elected Chairman of the Emergency National Committee. Mr. Schmidt then took the chair.

Upon motion duly made and carried Mr. Edw. Wm. Krueger was elected Secretary for a period of one year and until his successor is duly elected and qualified.

Upon motion duly made and unanimously carried Messrs: Alfred Volker, Jr., R. F. Schmidt, Victor Jacobson, and Edw. Wm. Krueger were elected as a committee to file the Code of Fair Competition adopted by the Institute of Plastic Arts for the plaster arts industry with the proper Governmental agencies in Washington, D.C., for the approval of the President of the United States. Said committee is hereby authorized to represent the Institute of Plastic Arts in all matters pertaining to the Code and is vested with the authority to agree to such changes in the Code as may be suggested by the President, or his representatives.

Upon motion duly made and carried the meeting was adjourned.

R. F. SCHMIDT,
Chairman.

Attest:

EDW. WM. KRUEGER,
Secretary.



